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Skyryse, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff,

v

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM, and
DOES NOS. 1-50,

Defendants.

SKYRYSE, INC.,

Counterclaimant,

v

MOOG INC.,

Counterclaim-Defendant.

CASE NO. 2:22-cv-09094-GW-MAR

**SKYRYSE, INC.'S APPLICATION
FOR LEAVE TO FILE UNDER SEAL
DOCUMENTS FILED WITH
SKYRYSE'S ANSWER, DEFENSES,
AND COUNTERCLAIMS**

Judge: Hon. George H. Wu

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Local Rule 79-5.2.2, Defendant and Counterclaimant Skyryse, Inc. hereby applies for an order permitting the following documents filed in connection with Skyryse's Answer, Defenses, and Counterclaims to be filed under seal with the Court.

Document	Designating Party	Text to be Sealed
Skyryse's Answer, Defenses, and Counterclaims	Skyryse	Highlighted portions in the unredacted version at pages 42:3-23; 42:26-28; 43:1-2; 43:7-23; 43:25; 43:27-28; 44:10-11; 44:24-28; 45:1-3; 45:5-7; 45:15-19; 46:4-7; 46:25; 47:24; 47:28; 49:1-2; 52:3-7; 52:9-12; 52:23-25; 52:27; 53:1-2; 53:5-14; 55:21-23; 55:26-27; 57:15; 61:8.
Skyryse's Answer, Defenses, and Counterclaims	Moog	Highlighted portions in the unredacted version at pages 12:17-18; 38:25-27; 39:3-16; 39:18-27; 40:13-14; 51:8-10; 52:3-7; 52:9-12; 52:23-25; 52:27; 53:1-2; 53:16; 53:24-28; 54:1-3; 54:5; 54:7-13; 54:17-20; 54:27-28; 55:1; 55:3-5; 62:25.
Ex. C to Zahoory Decl. (May 31, 2019 Statement of Work (the "SOW 1"))	Skyryse	Sealed in its entirety.

Document	Designating Party	Text to be Sealed
Ex. D to Zahoor Decl. (June 3, 2019 Terms and Conditions (the “Terms and Conditions”))	Skyryse	Highlighted portions in the unredacted version at pages 5, 8.

The material Skyryse requests to file under seal is the type of information that Skyryse does not make public, does not share with competitors, and keeps confidential in its business. If disclosed publicly, it could be used by Skyryse’s competitors to secure unfair competitive advantage against Skyryse and cause irreparable business harm. The material Skyryse seeks to file under seal includes portions of the Answer, Defenses, and Counterclaims and Exhibit D (Terms and Conditions), which contain Skyryse’s confidential information regarding its business plans and strategies, development roadmaps, confidential contract terms, trade secrets, and other confidential business and technical information. Skyryse has proposed narrowly-tailored redactions to those documents and requests that the Court grant this application to file under seal the redacted portions. Exhibit C (SOW 1) contains highly confidential business and technical information and Skyryse requests that the Court grant this application to seal that document in its entirety.

Skyryse also has provisionally lodged under seal portions of its Answer, Defenses, and Counterclaims and accompanying documents that refer to, describe, or quote documents that Plaintiff and Counterclaim-Defendant Moog, Inc. has designated as Protected Material under the Protective Order entered in this action, dated May 5, 2022 (Dkt. No. 89), or that Skyryse believes may be considered confidential information by Moog. Accordingly, pursuant to paragraph 12.1 of the Protective Order, Skyryse seeks to provisionally lodge these documents under seal until such time as Moog withdraws its confidentiality designations or the Court rules

1 on a forthcoming application from Moog to justify that these documents, or portions
2 of thereof, remain under seal.

3 This application is further based upon the accompanying Declaration of
4 Arman Zahoory in Support of this Application; any pleadings, files, and records in
5 this action; and any further evidence or argument as this Court may consider.

6 On January 26, 2023 counsel for Skyrise conferred via email with counsel for
7 Moog regarding this Application, and identified the documents Skyrise had
8 proposed to file under seal, in whole or in part. On January 30, 2023 counsel for
9 Moog informed Skyrise “Moog will currently maintain its position that all of the
10 below-listed documents constitute Protected Material and/or confidential
11 information that otherwise should be filed under seal. We are continuing to review,
12 and will advise if we believe any of these documents should not be sealed.” Moog
13 later confirmed that it does not object to two attached NDAs being filed publicly.

14
15 Dated: January 30, 2023

Respectfully submitted,

16 LATHAM & WATKINS LLP

17 By: /s/ Gabriel S. Gross

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